

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**VICTOR LOWELL FRYOU**

**PETITIONER**

**v.**

**CAUSE NO. 1:11CV244-LG-RHW**

**RON KING**

**RESPONDENT**

**ORDER ADOPTING PROPOSED FINDINGS OF FACT  
AND RECOMMENDATIONS AND  
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS**

This cause comes before the Court on the Proposed Findings of Fact and Recommendations [13] of United States Magistrate Judge Robert H. Walker filed in this cause on December 8, 2011. Magistrate Judge Walker reviewed Petitioner's Application for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, the Respondent's Motion to Dismiss, and the Petitioner's motions essentially in opposition to the Motion to Dismiss. Judge Walker determined that the grounds asserted in the Application did not entitle Petitioner to relief because the petition was time-barred, and therefore the Application should be denied and the petition dismissed.

At the time the Magistrate Judge filed the Proposed Findings of Fact and Recommendation, it was transmitted electronically through the CM/ECF system to his counsel's e-mail address of record. The Petitioner has not filed any objection to the Magistrate Judge's findings or conclusions.<sup>1</sup> Under these circumstances, the

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<sup>1</sup> Petitioner's counsel also did not file a response to the Motion to Dismiss, despite having requested and received two extensions of time within which to do so.

Court need only review the Proposed Findings of Fact and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After having thoroughly reviewed the Magistrate Judge's findings of fact and his recommendation, the Court finds them neither clearly erroneous nor contrary to law. They will be adopted as the findings and conclusions of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation [13] of United States Magistrate Judge Robert H. Walker entered in this cause on December 8, 2011, should be, and the same hereby are, adopted as the findings of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the Respondent's Motion to Dismiss [7] is **GRANTED**. Petitioner's request for habeas corpus relief pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

**SO ORDERED AND ADJUDGED** this the 24<sup>th</sup> day of January, 2012.

s/ Louis Guirola, Jr.  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE